

108**MINUTES**
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – JANUARY 27, 2016

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 27th day of January 2016 at its meeting place in the Commissioners Courtroom of the Waller County Courthouse, Hempstead, Texas. The meeting was called to order by Waller County Judge Trey Duhon at 9:03 a.m. with the following members of the Court present to-wit:

Carbett "Trey" J. Duhon III, County Judge
 John A. Amsler, Commissioner Precinct 1
 Russell Klecka, Commissioner Precinct 2
 Jeron Barnett, Commissioner Precinct 3
 Justin Beckendorff, Commissioner Precinct 4
 Debbie Hollan, County Clerk

Delivery of Invocation by: Commissioner Amsler

Pledge to the American Flag and Texas Flag led by: Commissioner Barnett

1. Approval of Agenda.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Barnett – Yes

Commissioner Klecka – Yes

Commissioner Beckendorff – Yes

PUBLIC COMMENT

1. Ben Tibbs addressed the court regarding agenda item #25, asked the court to consider putting a polling location back on campus at the Memorial Student Center.
2. Dr. Denise Mattox voiced her support to have early voting on campus.
3. David Allen commented on the rights for students to vote.
4. TJ Johnson with the Waller County Advocacy Group addressed the court with agenda item #14, as well as asked the court to consider putting on the agenda in the future approving a Noise Ordinance for Waller County.
5. Constable Hershel Smith addressed the court to place a polling location on campus.
6. LaVaughn Mosely asked the court to allow the students to vote on campus.

CONSENT AGENDA (2-3 Items)

Items identified within the consent agenda are of a routine nature, and will be passed with one vote without being discussed separately. If a member of the court or public requests that a particular item be discussed, that agenda item will be pulled from the Consent Agenda and discussed as part of the regular agenda at the appropriate time. One vote will approve the remaining items on the Consent Agenda.

2. Approval of the minutes – January 20, 2016 Regular Session
3. Request by County Auditor for approval and/or ratification of Accounts Payable.

Motion to **approve** consent agenda items by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Barnett – Yes

Commissioner Klecka – Yes

Commissioner Beckendorff – Yes

January 27, 2016 Regular Session

DEFENDANTS000058

Advanced to Agenda Item #25

COUNTY JUDGE

4. **Public Hearing:** Enterprise Zone nomination for Igloo Products Corporation by Waller County.

Public Hearing began at 10:04 a.m.

Consultant with Igloo Products commented on the Enterprise Zone.

Public Hearing ended at 10:06 a.m.

5. Discuss and take action to approve order nominating Igloo Products Corporation for designation as an enterprise zone.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

6. Discuss and take action to approve the support letter for DePelchin Children's Center and authorize County Judge to sign said letter.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

7. Discuss and take action on proposed Resolution in support of Communities that Care program.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion to **table** agenda item by Commissioner Barnett, seconded by Commissioner Beckendorff.

Motion carried – Item TABLED.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

COMMISSIONER, PRECINCT 3

8. **Report** by Commissioner Jeron Barnett on the status of the Waller County Community Center and the time line for completion of said project.

Representatives from Hill Construction gave status update on the Waller County Community Center.
No action taken.

CONSTABLE, PRECINCT 3

9. Discuss and take action to approve Official Bond and Oath for Willie Brown as Reserve Deputy Constable for Precinct 3.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

MAINTENANCE

10. Discuss and take action to select Contractor to move the Justice of the Peace, Precinct 2 building to back of property, build roof unit and pour sidewalk.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion to **select bid at \$5,900.00 by Hills Construction** by Judge Duhon, seconded by Commissioner Barnett with funds to be paid from Repairs and Replacement.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Barnett – Yes

Commissioner Klecka – Yes

Commissioner Beckendorff – Yes

Advanced to Agenda Item #16

11. Discuss and take action to approve the following transfers within the 911 Addressing Budget:

- ~~\$500.00 from line item 125-526-531400 [Postage] to line item 125-526-530100 [Supplies]~~
- ~~\$2,065.00 from line item 125-526-540900 [Prof Consultant Services] to line item 125-526-583500 [Computer Software, Equipment].~~

Item WITHDRAWN as requested by County Engineer.

12. Discuss and take action to approve \$10.00 per sign fee for the making of 9-1-1 Address Number Signs as per the April 14, 1997 Resolution, Article IV, Posting of Designated Structure Numbers.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Barnett – Yes

Commissioner Klecka – Yes

Commissioner Beckendorff – Yes

13. Discuss and take action for the approval to purchase One (1) new 2016 Ford F450 Patch Truck through BuyBoard from Chastang Ford, for the purchase price of \$46,218.00. Payment to be funded from line item 110-530-581100 [Construction Equipment].

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Barnett – Yes

Commissioner Klecka – Yes

Commissioner Beckendorff – Yes

14. Discuss and take action to approve a Utility Permit for Terracon Consultants on Murphy Road.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion FAILED.

Judge Trey Duhon – No

Commissioner Amsler – No

Commissioner Barnett – No

Commissioner Klecka – No

Commissioner Beckendorff – No

15. Discuss and take action on previously considered public hearing from October 21, 2015 regarding the replat of Walnut Ridge, Lot 33.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Mr. Yancy Scott, Assistant County Engineer advised no action needed, for discussion only.

16. Discuss and take action to approve a variance request by Carlos Medina, previously considered as Item #17 on December 9, 2015.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Yes

Commissioner Klecka – Yes
Commissioner Beckendorff – Yes

Advanced to Agenda Item #18

17. Discuss and take action to approve plat and dedication of Jordan Ranch, Section 2A.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Yes

Commissioner Klecka – Yes
Commissioner Beckendorff – Yes

18. Discuss and take action to approve a variance request to the minimum lot size requirement by Fredrick and Elaine Jones.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Yes

Commissioner Klecka – Yes
Commissioner Beckendorff – Yes

Returned to Agenda Item #11

19. Discuss and take action to approve the advertising of the establishment of speed limits and the installation of speed limit signs on the following roads:

- Rolling Hills Subdivision – all roads – 30 mph.
- Mound Creek – Mathis Road to County line – of 35 mph.
- Addie Gee – entire length – of 45 mph.

Advertising to be posted in the following newspaper of general circulation:

News Citizen, payment for advertising to be funded from line item

125-401-544100 [Bid Notices and Printing], followed by a public hearing during the regular session of Commissioners' Court on February 24, 2016.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Yes

Commissioner Klecka – Yes
Commissioner Beckendorff – Yes

MISCELLANEOUS

20. Discuss and take action to approve the private resale offer for the following property: "Lot 13, Block 10, Deerwood Lakes, Section 5, Waller County, Texas, tax account R18197 in the amount of \$1,100.00 by Greg Graham and authorize the County Judge to sign a resale deed for said property to Greg Graham."

Motion to **approve agenda items #20 thru #24** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion FAILED.

Judge Trey Duhon – No

Commissioner Amsler – No
Commissioner Barnett – No

Commissioner Klecka – No
Commissioner Beckendorff – No

21. Discuss and take action to approve the private resale offer for the following property: "Lot 4, Block 10, Deerwood Lakes, Section 5, Waller County, Texas, tax account R18188 in the amount of \$820.00 by Greg Graham and authorize the County Judge to sign a resale deed for said property to Greg Graham."

(agenda item combined into one motion – see agenda item #20)

22. Discuss and take action to approve the private resale offer for the following property: "Lot 5, Block 10, Deerwood Lakes, Section 5, Waller County, Texas, tax account R18189 in the amount of \$700.00 by Greg Graham and authorize the County Judge to sign a resale deed for said property to Greg Graham."
(agenda item combined into one motion – see agenda item #20)
23. Discuss and take action to approve the private resale offer for the following property: "Lot 10, Block 13, Deerwood Lakes, Section 5, Waller County, Texas, tax account R18241 in the amount of \$550.00 by Greg Graham and authorize the County Judge to sign a resale deed for said property to Greg Graham."
(agenda item combined into one motion – see agenda item #20)
24. Discuss and take action to approve the private resale offer for the following property: "Lot 11, Block 13, Deerwood Lakes, Section 5, Waller County, Texas, tax account R18243 in the amount of \$550.00 by Greg Graham and authorize the County Judge to sign a resale deed for said property to Greg Graham."
(agenda item combined into one motion – see agenda item #20)

ELECTIONS ADMINISTRATOR

25. Discuss and take action to approve early voting dates and hours for the March 1, 2016 primary Election.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Amsler.

Motion to **amend** by Judge Duhon, seconded by Commissioner Amsler listing the branch early voting locations as: Branch Early Voting on Saturday from 9:00am to 5:00pm on February 20, 2016 at the Brookshire Waller County Library, Waller ISD Administration Building, and St. Francis Episcopal Church and then we have additional Branch Early Voting from 12:00pm to 8:00pm Wednesday thru Friday February 24 thru February 26, 2016 at Waller ISD Admin Building, Fieldstore County Building, Monaville JP3 Building, Waller County Library Brookshire, Katy VFW Hall in Katy and then at Prairie View A&M University at the Memorial Student Center from 12:00pm to 8:00pm Wednesday thru Thursday, February 24 thru February 25, 2016 and at St. Francis Episcopal Church on Dooley Street from 12:00pm to 8:00pm on Friday February 26, 2016.

Amendment carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Amended Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Returned to Agenda Item #4

AUDITOR

26. Discuss and take action on request by the County Auditor for approval of official documents and all monthly reports.

Motion to **approve** by Commissioner Barnett, seconded by Commissioner Beckendorff.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

EXECUTIVE SESSION

27. Consultation with District Attorney about pending or contemplated litigation pursuant to Government Code Section 551.071.
28. ~~Consultation with Attorney JD Head of Fritz, Byrne, Head & Fitzpatrick, PLLC, via telephone conference call, regarding contested case hearing in SOAH Docket No. 582-14-3597, and 2011 Landfill Ordinance [Executive Session as requested pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)].~~
29. ~~Consultation with Attorney JD Head of Fritz, Byrne, Head & Fitzpatrick, PLLC, via telephone conference call, regarding pending or contemplated litigation with CenterPoint Energy Houston Electric, LLC [Executive Session as requested pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)].~~
- Court convened to Executive Session at 11:32 a.m.
Court reconvened from Executive Session at 11:44 a.m.
30. Reconvene in Open Session to take any action necessary on matters discussed in Executive Session.
No action taken from Executive Session.

ADJOURN MEETING

Motion to **adjourn** meeting by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

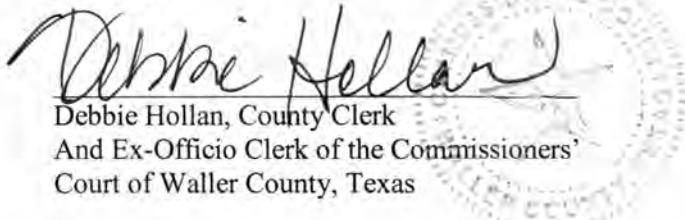
Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 11:44 a.m.

APPROVED this the 3rd day of February 2016.

Carbett "Trey" J. Duhon, III
County Judge

ATTEST:


Debbie Hollan, County Clerk
And Ex-Officio Clerk of the Commissioners'
Court of Waller County, Texas

January 27, 2016 Regular Session

DEFENDANTS000063